

REMARKS

In the **non-final** Office Action mailed June 3, 2010, the Office noted that claims 1-3, 5-7 and 12 were pending and rejected claims 1-3, 5-7 and 12. In this Response, no claims have been amended, no claims have been cancelled, and thus, claims 1-3, 5-7 and 12 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claims 2-3 and 5-6 would be in a condition for allowance if re-written in independent form. The Applicants thank the Office for the consideration given the claims and submit that the claims are allowable for the reasons discussed below.

DOUBLE PATENTING

Claims 1, 7 and 12 are provisionally rejected on grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7-9, and 13-16 of U.S. Patent No. 7,539,104 and claims 1 and 13-16 of U.S. Patent No. 7,529,163.

The Applicants submit herewith a Terminal Disclaimer as to U.S. Patent No. 7,539,104 and U.S. Patent No. 7,529,163.

Withdrawal of the provisional rejection is respectfully

requested.

SUMMARY

It is submitted that claims 1-3, 5-7 and 12 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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JJL/lrs

APPENDIX:

- Terminal Disclaimer